

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3533 of 1986

Date of decision: 10-2-1998

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

G.S.R.T. CORPORATION

Versus

P.P. GADHAVI

Appearance:

1. Special Civil Application No. 3533 of 1986
MR S. M. Mazgaonkar for Petitioner
MR TR MISHRA for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 10/02/98

ORAL JUDGEMENT

Heard the learned counsel for the parties.

Challenge has been made by the petitioner to the order dated 27th March, 1986 of the Industrial Tribunal, Ahmedabad, passed in Application (IT) No.62 of 1980 (Exh.96) in Reference (IT) No.469 of 1979. By application Exh.96 the petitioner Corporation prayed for leading fresh evidence on the question of way bill produced on record by the Corporation. Under the impugned order that application came to be rejected. Hence this special civil application.

2. Learned counsel for the petitioner, on being asked by the court, is unable to say what ultimately has done in the main case. The counsel for the petitioner is not in a position even to state whether the main case is pending or not. It is really a sorry state of affair. When the petitioner Corporation has filed this special civil application, it should have brought on record of the special civil application the latest position of the matter before the Industrial Tribunal. Be that as it may.

3. The impugned order is only an interlocutory order under which the prayer made by the petitioner for producing fresh evidence has been declined. By this order the main matter has not been disposed of. This court would not permit the parties to stall the final proceedings by challenging the interim orders in the matter of industrial dispute. The reason is very obvious. In case ultimately the final decision goes against the Corporation, then the Corporation can also challenge the interlocutory order of the Industrial Tribunal. No prejudice has been caused to the petitioner in the matter as the petitioner will have sufficient opportunity to challenge the said order if ultimately the final order goes against it.

4. In the result this petition fails, and the same is dismissed. Rule discharged. Interim relief granted earlier stands vacated.

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